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JUDGE TUCKER ON THE LAW OF TREASON.

In the last number, we left Judge Tucker proposing to discuss the offence of Treason, in two-fold light-as it related to the American States individually, and as it related to them collectively, in the character and capacity of the United States. We pass over what he says under the first head, and proceed with his argument under the second.

II. I shall consider the offence of treason as it relates to the United States, in their collective and federal capacity.

When the Federal Constitution was adopted.

it was deemed necessary for the more perfect security and preservation of the *Union*, to create a new species of treason which might reach cases, not within the provisions of the laws of the several States; and without which their projected Union might be exposed to danger, and ts authority to contempt.

But the framers of the Constitution clearly

saw, that this new offence should be clearly de fined and strictly limited; they probably felt conscious of treading upon

They limited the offence therefore to two cases nly, and comprised the whole definition in two

In my endeavor to analyze this definition, I shall inquire—

1. What is levying war?

2. Against whom the war must be levied to nstitute this new crime of treason against the United States? 3. Who may commit treason against them

4 and 5. Who are enemies? and what is adhering to them, giving them aid and comof the United States which prescribes the mode

of trial in this and other criminal cases. levying war? I have already said enough respecting the English authorities, to show that I do not mean to rely upon their exposition of this text: happy would it have been for America, had no occasion

opinions and different determinations on the import of these words. But I think I am warranted in saying, that if in the case of the insurgents who may come under your consideration, the intention was to prevent, by force of arms, the execution of any act of the Congress of the United States altogether, (as for instance, the land tax, the object of their opposition) any forcible emerging. position.) any forcible opposition, calculated to carry that intention into effect, was a levying of war against the United States, and of course merely to defeat its operation in a particular instance, or through the agency of a partic ular officer, for some private or personal motive, though a higher offence may have been committed, it did not amount to the crime of treason. The particular motive must be the sole ingrediview to obstruct the execution of the act, the of-

Patterson, justice, is reported to have expressed himself to the following effect, in Mitchell's case [2 Dallas, p. 355.] "If the object of the insurrection was to prevent the execution of an ac of Congress by force and intimidation, the of fence in legal estimation, is high treason; it is an usurpation of the authority of the Govern-ment; it is high treason by levying war."—

Trial of Fries, p. 86.
And on the trial of Rigol, [2 Dallas, p. 340,]
he is likewise reported to have said, "With rethe slightest possibility of doubt. To suppress
the office of excise in the fourth survey of this
State, and particularly in the present instance
to compel the resignation of Wells, the excise
officer, so as to render null and void, in effect,
an act of Congress, constituted the apparent,
the avowed object of the insurrection. Combining these facts and this design, the crime is
high treason."—Trial of Fries, p. 86.

Judge Iredell, on the first trial of Fries, expressed his assent to the decision in Mitchell's
case.—Hid. p. 168.

case.—Ibid, p. 168.
Judge Peters, on the same occasion, expressed himself thus: "It is treason in levying war against the United States, for persons, who have citizens, to oppose, or prevent, by force, numbers, or intimidation, a public and general law of the United States, with intent to prevent its operation, or compel its repeal. Force is necestantamount to its repeal, the whole system of laws may be destroyed in detail. All laws will, at least, yield to the violence of the seditious and

discontented." And again . . . "I do not he sitate to say, that the position we have found established, viz: that opposition we have found established, viz: that opposition by force and numbers or intimidation, with intent to de-feat, delay, or prevent the execution of a general law of the United States, or to procure, or with law of the United States, or to procure, or with the hope of procuring by force and numbers, or intimidation, its repeal or non-execution, is treason by legging 'war against the United States. And it does not appear to me to be what is commonly called constructive, but open and direct treason, in levying war against the United States, within the plain and evident meaning and intent of the Constitution."—Trial of Fries, p. 204, 207.

delivered the opinion of the court: "It is the opinion of the court, that any insurrection, or rosing of any body of people, within the United States, to attain or effect by force or violence any object of a great public nature, or of publ contemplation and construction of the Consti-

With all submission, this part of the court's pinion seems to me to be both questionable and

latitude and extent which the words will bear and manifestly import, the rising of any body of people, in opposition to the authority of any individual State, or to the laws of such State, would, under this construction, amount to treason in levying war against the United States, which, for reasons already mentioned I humbly apprehend could not possibly be the case.

2. Extrajudicial: because in the case of Fries, the intention, if of a public nature, was manifestly to oppose the execution of a law of the United States; and therefore this opinion, as it might apply to any other case of opposition, except an opposition to a law of the United States; was certainly extrajudicial.

was Lent, and a few days afterwards heencountered Terence O'Collins, who appeared to have something on his mind.

"The top of the mornin' to your riverence." bail I fairly understand your riverence to say 'all flesh is grass' last Sunday?"

"To be sure you did," replied the Bishop, "and you're a heretic if you doubt it."

"Oh! not the bit do I doubt anything your riverence says," said the wily Terence; "but, if your riverence plazes, I wish to know whether in this Lent time I could no be after having a small peice of bafe by way of a saiad?"

Sharpe's Magazine.

Judge Chase proceeds thus: "On this general sition, the court are of opinion that any such surrection, or rising to resist or to prevent, by force or violence, the execution of any statute of the United States, for levying or collecting taxes, duties, imposts, or excises, or for calling forth the militia to execute the laws of the Union, or for any other object of a general nature or national concern, under any pretence, as that the statute was unjust, burdensome, oppressive, or unconstitutional, is a levying war against the United States, within the contemplation and construction of the Constitution. The reason for this opinion is, that an insurrection to resist or prevent, by force, the execution of any statute of the United States, has a direct tendency to dissolve all the bands of society, to destroy all order and all laws: and also all security for the

lives, liberties and properties of citizens of the "The court are of opinion that military weapons (as guns, and swords, mentioned in the indictment) are not necessary to make such insurrection or rising amount to levying war; because numbers may supply the want of military weap-ons; and other instruments may effect the in-tended mischief: the legal guilt of levying war may be incurred without the use of military

war may be incurred without the use of initiary weapons or military array."

This part of the opinion is, I humbly conceive, likewise extrajudicial: there being no question as to the fact, that Fries and his party were furnished with arms, as guns and swords

The court are of opinon, that the assembling bodies of men armed and arrayed in a warlike manner, for purposes only of a private nature, is not treason; although the judges or other peace-officers should be insulted or resisted, or even great outrages committed to the persons or property of our citizens."

"The true criterion to determine whether acts

ommitted are treason, or a less offence, (as a riot,) is the quo quimo, or the intention with which the people and assemble. When the intention is universal, or general, as, to effect some object of a general public nature, it will tain one more clear, precise, and determinate.
"Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

ed, or reduced to a riot." This part of the opinion seems likewise to be extrajudicial and questionable, for the reasons mentioned under the first paragraph.

"The commission of any number of felonies, riots, or other misdemeanours, cannot alter their nature, so as to make them amount to treason. And on the other hand, if the intention and act together amount to treason, they cannot be sunk down to a felony or riot. The intention with which any acts (as felonies, the destruction of property, or the like) are done, will show to what classes of crimes the case belongs."

"The court are of opinion, that if a body of people conspire and meditate an insurrection

6. The true import and effect of the word in the United States which prescribes the mode of trial in this and other criminal cases.

1. First, then, what is meant by the words, in the United States which prescribes the mode of trial in this and other criminal cases.

1. First, then, what is meant by the words, in the words in the united States by force, that they are guilty of a high misdemeanor; but if they proceed to carry such intention into execution by force, that they are guilty of the treason of levying war; and the quantum of the force employed neither lessens nor increases the crime: Whether by one hundred or one thousand personnel in the process of the words of the United States by force, that they are guilty of the treason of levying war; and the quantum of the force employed neither lessens nor increases the crime: sons, is wholly immaterial."

would it have been for America, had no occasion occurred, in which her own courts had been called upon to expound them. I shall give the opinions of our own judges, as I find them reported in an account of the two trials of John Fries for high treason, in the Federal Circuit Court of Pennsylvania, April and October, 1799, and April 1800

eourt's opinion is perfectly extrajudicial: Because Fries, if guilty at all, was guilty as a principal in the first degree; being present, and not only aiding and abetting, but commanding. And the correctness of this opinion (even were it not extrajudicial) likewise seems to be very highly questionable, for reasons which will be mentioned hereafter, when we inquire into the import of the word only... This doctrine is founded upon that artificial and abstruse reasoning, of which the English common lawyers were pre-eminently fond, as will appear to any person who reads their ancient tracts and re

The judge proceeds thus. "It is always material to consider whether the persons charged are of the same party, upon the same pursuit, and under the expectation of mutual desuit, and under the expectation of mutual defence and support. All persons, present, aiding, assisting, or abetting any treasonable act, are principals. All persons who are present and countenancing, and are ready to afford assistance, if necessary, to those who actually commit any treasonable act, are also principals. If a number of persons assemble and set out upon a common design, as to resist and prevent, by force, the execution of any law, and some of them commit acts of force and violence, with intent to oppose the execution of any law, and them commit acts of force and violence, with intent to oppose the execution of any law, and others are present to aid and assist, if necessary, they are all principals. If any man joins and acts with an assembly of people, his intent is al-ways to be considered and adjudged to be the persons combine or conspire to effect a certain purpose, as to oppose by force the execution of a law, any act of violence done by any one of them, in pursuance of such combination, and with intent to effect such object, is, in consideration of law, the act of all who are present when such act of violence is committed. If per-

when such act of violence is committed. If persons collect together to act for one and the same common end, any act done by any one of them, with intent to effectuate such common end, is a fact that may be given in evidence against all of them; the act of each is evidence against all concerned."—See Trial of Fries, p. 196 to 199.

Most devoutly is it to be wished, that no future case may occur, wherein our courts may have any further occasion to inquire into the true exposition of this part of the text of the Constitution: but if such cases should arise, it seems to me that the safer course would be for Constitution: but if such cases should arise, it seems to me that the safer course would be for judges to consult the text and spirit of our Federal Constitution and Government, only; for otherwise, the plain text will be completely hidden, and lost sight of, in the multitude of precedents, founded upon artificial reasons, and conclusions drawn from a different source.

It is observable, that in all these case judges seem to have overlooked that obvious distinction before mentioned, between such acts against a particular State, though not reducible to either head of treason against the United States, and such as may properly fall under the latter description.

* See State Trials, per Bromley, C. J., who may be considered as the father of this doctrine. He says, "He that doth procure another man to commit a felony, or a murder, the law doth adjudge the procurer then a felon or a murderer. And in case of treason, it hath always been so taken and reputed."—Page 73.

a sermon to his parishioners, repeated the quo tation that "all flesh is grass." The season was Lent, and a few days afterwards he encoun

something on his mind.

"The top of the mornin' to your riverence," said Terence. "Did I fairly understand your riverence to say 'all flesh is grass' last Sunday?"

"KOSSUTH AND COTTON."

Under this title, says the New York Tribune, Henry Ward Beecher, in the Independent, caustically depicts the absurdity if not hypocrisy of pretending to honor the champions of Liberty in other lands while upholding Slavery and such acts as the Fuguive Slave Law in our own. We extract Mr. B's account of the interview ("in my mind's eye, Horatio") between the great Magyar on his arrival in our Bay and our clerical denouncers of opposition to the our clerical denouncers of opposition to the Fugitive Slave Law:

Now, let us suppose that a Committee of Clergymen should be deputed to wait upon the illustrious exile (whose traitorous effigy has just been haltered and hung, at home!) Of cour we should select those who have most pointedly inveighed against the doctrine of Higher Law—Dr. Dewey, Dr. Taylor, Dr. Spencer, Dr. Spring, Dr. Lord—could a better Committee be desired? Dr. Lord—could a better Committee be desi During the quarantine of two days which

our Government has ordered at Staten Island, we may imagine that it is the purpose of our excellent rulers to cleanse away all inward taint of treason, as well as outward contamination or planue, from the illustrious exile. We will imagine that the days are to be divided between the Church and the State. Our cleribetween the Church and the State. Our clerical Committee would without doubt cast a what will be captured to show you."

"What is it?" said Misself the being coming the will with her sewing in her tand.

"Pve made a purchase for your department."

Mississippi-(the State of repudiation and Sena-Mississippi—(the State of repudiation and Senator Foote!)—each one bearing a presentation copy of his sermon or speech on the Fugitive Slave Law. The oldest clergyman now approaches Kossuth, and welcomes him to this land of liberty and equality. It blessings are described. The statistics of our prosperity are briefly stated: "All these things," says the excellent spokesman, "we owe under God to our liberty. No people can thrive while ground by oppression." This happy laudation of liberty being done, the gentlemen proceed to question his notions of law and government, patriotism and treason. triotism and treason.

"Does your Excellency believe that Slavery "Does your Excellency believe that Slavery is a sin per se? Do you not regard it as a patriarchal institution, tolerated by Jehovah, not abrogated by Christ, and, if properly used, a beneficent arrangement for the blacks?"

Mr. Kossuth (being perhaps more used lately to the sword than to theology) may be supposed to be a little confused, and rather evades so unsavory a catechism.

unsavory a catechism. But our good divines are too expert in examining candidates in theology in all the nice distinctions into which Truth has been split

up, to be easily dodged. And so Dr. S. says, plainly—
"Would you, sir, if by uttering the prayers "That I should, very quickly," respon

Do you believe that a slave has the

"Do you mean to inquire by this question, entlemen, whether I have done right in runing away from the service of the Emperor of

Perhaps we ought to put the question a little more explicitly. Do you believe that a black man, held to slavery in South Carolina, has a The English tongue being yet a little new, Mr. Kossuth does not exactly know what South Carolina is, (an ignorance, perhaps, of which her own citizens somewhat partake,) and supposing that it is the name of some

prison, or Government galley, answers, that "if a man is imprisoned for crime, he thinks that he ought to work his sentence out, whether he is white or black."
"Do you think that, when a man is flying

your Government, gentlemen, who have kindly provided me this noble steamer wherewith to ape from the Emperor of Austria."

"But do you think that if a fugitive is ar-rested, that it is right for men to conspire to-gether for his release against the express laws of his native land?"

"Ah, gentlemen, you are quite familiar with my case. I perceive that you allude to my extradition from Kutahyia, against the edict of the Emperor of Austria. I quite agree with you, gentlemen, that the Turks did a noble

a moment in consultation, and concluded to a moment in consultation, and concluded to leave a copy each of their several sermons and addresses in favor of obeying the Fugitive Slave Law, and to turn down leaves upon the most salutary passages, such as this in Dr. Lord's sermon ("Union Safety Committee" edition, page 66.) To plead a higher law to justify disobedience to a human law, the subject-matter of which is within the cognizance of the State is to reject the authority of God himself. ser of which is within the cognizance of the State, is to reject the authority of God himself, who has committed to Governments the power and authority which they exercise in civil affairs." As a slave is by our laws defined to be a chattel, to be completely in the power of his master—as our laws give the master the right to treat his female slave as he will—to separate families, sell the children in one direction and families, sell the children in one direction and the parents in the other—as our civil laws pro-tect the master in the right of sending his own blood to market mingled with his slaves—it is not strange that Kossuth. on reading the pas-sage, quite failed to see its practical drift, and thought it was a hint to him to be an obedient citizen when he should have settled down.

Dr. Spencer called his attention to the docresist Government until there is a good prospect of success. Upon this passage Kossuth ponders; and as he walks up and down his now descrete cabin, he soliloquizes: "As if the greatest achievements of the world were not in their inresist Government until there is a good prospect of success. Upon this passage Kossuth ponders; and as he walks up and down his now deserted cabin, he soliloquizes: "As if the greatest achievements of the world were not in their inception gloomy and cheerless to all usual methods of estimation. It is the heart determined to die—it is that courage which cries out give me liberty or give me death; it is that nobleness of nature that scorns to accept life as a burden of disgrace, and hastens to lay it down as a sacrifice to liberty; in short, it is that subtilime and heroic determination of great souls to vindicate man's manhood, living or dying, that ever gives success! Every Hungarian that has fallen is a tongue of liberty in the world. Be there was but little hope of victory for their native land. But though Hungary has lost here best sons, the world has gained them. They stand up above all division lines of States, and inspire men everywhere with a hatred to oppose to approach a best sons, the world has gained them. They is the mark of a coward to be afraid to strike in the sure of victory—until he has calculated the profit and loss, and has a safe commercial prospect of gaining! It is the very mark, in all ages, of a Mas, that he is willing to die for a 'Seathers'?"

On their way back to this city, our clerial to the first has a person of them clean and clothe her up."

"Pah! said Rosa and Jane, with supreme darker of the keep out of our way. What in the language of the language of the language of the language."

The same of the world were not in their intention of the heart determined to the subject out of the same of the same of the same of the subject out of the same of the same of the subject is that there's no sense in them. Why, the sact is, this concern belonged to a couple of drunken creatures that teep a low restaurant that I have to pass by every day, and I was tired of hearting and them beat is, this concern belonged to a lour estaurant that I have to pass by every day, and I was tired of hearting

in all ages, of a MAR, that he is for a 'SENTIMENT!''

On their way back to this city, our clerical examiners held a grave consultation. "Well, I am disappointed, for one. Mr. Kossuth is not so intelligent a man as I supposed. He is somewhat inclined to fanaticism." "It is not to be

DEATH OF THE WIFE OF GOVERNOR UJHAZI.

We regret to announce the death of this lady, which took place on the 11th of this month, at New Boda, Decatur county, Iowa. Intelligence of this event was received in this city last might, in a letter from Governor Ujhazi to Major Tochman and lady. The venerable Hungarian patriot, in announcing the sad tidings, thus concludes his letter:

"The cup of my sorrows is full. I have lost my beloved wife! She departed this life after a few days' illness. Could I have foreseen that my exile was to shorten her days, I would have given my head to the foes of my country, to preserve the life of the best of mothers. Your most affectionate, unfortunate friend."—American Telegraph.

Expected that, with his limited knowledge of Republican Government, he should have dischaughted the should hav with the documents which we have left, will probably soon change him from a blind Magyar patroit, into an American patriot; two very different species, you know. Stranger changes than that have taken place. How long did it take to change you, Dr.——? How long did it take you, Brother ——— to come round? Why, half the men in the nation that now stand right on the slavery question, a year or two ago believed in the doctrines of human liberty to the full extent. That sentence in the Declaration of Independence, 'that all men are born free," &c., has done more mischief than the whole instrument ever did good! Well breth-whole instrument ever did good! Well breth-whole instrument ever did good! Well brethright on the slavery question, a year or two ago believed in the doctrines of human, liberty to the full extent. That sentence in the Declara-tion of Independence, 'that all men are born free," &c., has dore more mischief than the whole instrument ever did good! Well, brethren, let us remember Kossuth in our prayers! and upon this they separated.

For the National Era.

[COPYRIGHT SECURED ACCORDING TO LAW.] UNCLE TOM'S CABIN: LIFE AMONG THE LOWLY.

BY MRS. H. B. STOWE.

CHAPTER XIX .- Topsy. One morning, while Miss Ophelia was bu in some of her domestic cares St. Clare's voice "Come down here, Cousis, I've something

see here," said St. Clare; and with the word he pulled along a little negro girl, about eight

or nine years of age.

She was one of the blackes of her race, and her round, shining eyes, glitering as glass beads, moved with quick and restless glances over everything in the room. Her mouth, half open with astonishment at the wonders of the open with astonishment at the wonders of the new mass'r's parlor, displayed a white and brilliant set of teeth. Her woolly hair was braided in sundry little tails, which stuck out in every direction. The expression of her face was an odd mixture of shrewdness and cumning, over which was oddly crawn, like a kind of veil, an expression of the nost doleful gravity and solemnity. She was dressed in a single filthy, ragged garment, made of bagging, and stood with her hands demirely folded before

her. Altogether, there was something odd and goblin-like about her appearance—some-thing, as Miss Ophelia afterwards said, "so heathenish," as to inspire that good lady with utter dismay; and turning to St. Clare, she "Augustine, what in the world have

brought that thing here for ? "
"For you to educate, to be sure, and train in the way she should go. I thought the was rather a funny specimen in the Jim Crow line.

"give us a song now, and show us some of your dancing."

The black, glassy eyes glittered with a kind of wicked drollery, and the thing struck up, in a clear, shrill voice, an old negro melody, to which she kept time with her hands and feet, spinning round, clapping her hands, knocking her knees together, in a wild, fantastic sort of time, and producing in her throat all those odd guttural sounds which dstinguish the native music of her race; and fitally, turning a summerset or two, and giving a prolonged closing note, as odd and unearthy as that of a steam whistle, she came suddenly down on the carpet, and stood with her hands folded, and a most sanctimonious expression of meekness and sosanctimonious expression of meekness and so-lemnity over her face, only broken by the cun-ning glances which she stot askance from the corners of her eyes.

Miss Ophelia stood silert, perfectly paralyzed

appeared to enjoy her atonishment, and addressing the child again, sid:

"Topsy, this is your new mistress. I'm going to give you up to her; see now that you behave yourself." behave yourself."
"Yes, mass'r," said Topy with sanctimonious gravity, her wicked des twinkling as she

You're going to be gold, Topsy, you understand." said St. Clare.

"Oh yes, mass'r," said Topsy, with another twinkle, her hands still droutly folded.

"Now, Augustine, what upon earth is this for!" said Miss Ophelia. "Your house is so full

Now, Augustine, which upon earth is this for?" said Miss Ophelia. "Your house is so full of these little plagues nowthat a body can't set down their foot without trading on 'em. I get up in the morning, and I find one asleep behind the door, and see one black head poking out from under the table, one lying on the door mat, and they are mopping andmoving and grinning between all the railings, and tambling over the kitchen floor. What on earth did you want to bring this one for?"

"For you to educate—dita't I tell you? You're always preaching about educating. I thought I would make you a present of a fresh-caught specimen, and let you try your hand on her, and bring her up in the way see should go."

"I don't want her, I amsure—I have more to do with 'em now than I want to."

"That's you, Christians all over—you'll get up a Society, and get some poor missionary to

up a Society, and get some poor missionary to spend all his days among just such heathen. But let me see one of you that would take one into your house with you, and take the labor of

into your house with you, and take the labor of their conversion on yourselves. No; when it comes to that, they are dirty and disagreeable, and it's too much care, and so on."

"Augustine, you know? didn't think of it in that light," said Miss Ophelia, evidently soften-ing. "Well, it might be a real missionary work," said she, looking rather more favorably on the child.

St. Clare had touched the right string. Miss Ophelia's conscientiousness was ever on the alert. "But," she added, "I really didn't see the need of buying this one—there are enough now in your house to take all my time and skill."

skill."
"Well, then, cousin," said St. Clare, drawing her aside, "I ought to beg your pardon for my good-for-nothing speeches. You are so good, after all, that there's no sense in them. Why, the

"Don't see what mass'r St. Clare wants of nother nigger," said Dinsh, surveying the new arrival with no friendly air. "Won't have her round under my feet, I know."

"Pah! said Rosa and Jane, with supreme disgust, "let her keep out of our way. What in the world mass'r wanted another of these low niggers for, I can't see."

"You go long. No more nigger dan you be, Miss Rosa," said Dinah, who felt this last re-

have fine works with her, I reckon. I hate these nigger young uns! so disgusting! I wonder that mass'r would buy her."

The "young un" alluded to heard all these omments with the subdued and doleful air which seemed habitual to her, only scanning with a keen and furtive glance of her flickering eyes the ornaments which Jane wore in her When arrayed at last in a suit of decent and whole clothing, her hair cropped short to her head, Miss Ophelia with some satisfaction said she looked more Christian-like than she did, and in her own mind began to mature some plans for her instruction.

Sitting down before her, she began to que

"Dun no, missis," said the image, with a grin that showed all her teeth.

"Don't know how old you are? Didn't any-ouy ever tell you? A no was your mother? "Never had none!" said the child, with another grin.
Never had any mother? What do

"Never had any mother: What do you mean? Where were you born?"

"Never was born!" persisted Topsy, with another grin, that looked so goblin-like, that if Miss Ophelia had been at all nervous she might have fancied that she had got hold of some scoty gnome from the land of Diablerie; but Miss Ophelia was not nervous, but plain and business-like, and she said, with some stern-

I'm not playing with you. Tell me where you were born, and who your father and mother "Never was born," reiterated the creature more emphatically; "never had no father nor mother nor nothin. I was raised by a specula-

tor, with lots of others. Old Aunt take car on us." The child was evidently sincere and Jan breaking into a short laugh, said—

"Laws, missis, there's heaps of 'em. Speculators buys 'em up cheap when they's little, and gets 'em raised for market."
"How long have you lived with your master and mistress ? "

"Dun no, missis." "Is it a year, or more, or less?"

"Do you know who made you?" "Nobody, as I knows on," said the with a short laugh.

The idea appeared to amuse her considerally, for her eyes twinkled, and she added—
"I spect I grow'd. Don't think nobody never "Do you know how to sew?" said Miss Ophe

lia, who thought she would turn her inquirie to something more tangible. "No, missis."

"What can you do—what did you do for your master and mistress!"

"Fetch water, and wash dishes, and rub

"Fetch water, and wash wishes, and rule knives, and wait on folks."

"Were they good to you?"

"Spect they was," said the child, scanning Miss Ophelia cunningly.

Miss Ophelia rose from this encouraging col-

oquy; St. Clare was leaning over the back of

Miss Ophelia's ideas of education, like all her other ideas, were very set and definite, and of the kind that prevailed in New England a century ago, and which are still preserved in some very retired and unsophisticated parts where there are no railroads. As nearly as could be expressed, they could be comprised in very few words: to teach them to mind when very few words: to teach them to mind when they were spoken to; to teach them the cate-chism, sewing, and reading; and to whip them if they told lies. And, though of course in the flood of light that is now poured on education, these are left far away in the rear, yet it is an

these are left far away in the rear, yet it is an undisputed fact that our grandmothers raised some tolerably fair men and women under this regime, as many of us can remember and testify. At all events, Miss Ophelia knew of nothing else to do, and therefore applied her mind to her heathen with the best diligence she could command.

The child was announced and considered in the family as Miss Ophelia's girl; and as she was looked upon with no gracious eye in the kitchen, Miss Ophelia resolved to confine her sphere of operation and instruction chiefly to her own chamber. With a self-sacrifice which some of our readers will appreciate, she resolved, instead of comfortably making her own bed, sweeping and dusting her own chamber, which she had hitherto done in utter scorn of all offers of help from the chambermaid of the which she had hitherto done in utter scorn of all offers of help from the chambermaid of the establishment, to condemn herself to the mar-tyrdom of instructing Topsy to perform these operations—ah, we the day. Did any of our readers ever do the same, they will appreciate

the amount of her self-sacrifice.

Miss Ophelia began with Topsy by taking her into her chamber the first morning, and solemnly commencing a course of instruction in the art and mystery of bed-making.

Behold, then, Topsy, washed and shorn of all the little braided tails wherein her heart had delighted, arrayed in a clean gown, with wellbefitting a funeral.

"Now, Topsy, I'm going to show you just how my bed is to be made. I am very particular about my bed. You must learn exactly how

and a face of woeful carnestness.

"Now, Topsy, look here—this is the hem of the sheet—this is the right side of the sheet, and this is the wrong—will you remember?"

"Yes, ma'am," says Topsy, with another sich.

sigh.
"Well, now, the under sheet you must bring
over the bolster—so, and tuck it clear down
under the matrass nice and smooth—so, do you

"Yes, ma'am," said Topsy, with profound : tention.

"But the upper sheet," said Miss Ophelia, "must be brought down in this way, and tucked under firm and smooth at the foot—so—the narrow hem at the foot."

"Yes, ma'am," said Topsy, as before—but we will add what Miss Ophelia did not see, that during the time when the good lady's back was turned, in the zeal of her manipulations, the means dispinels had contributed to match a

Topsy with great gravity and advoitness went through the exercise completely to Miss Ophe-lia's satisfaction—smoothing the sheets, patting out every wrankle, and exhibiting through the an unlucky slip, however, a fluttering fragment of the ribbon hung out of one of her sleeves, just as she was finishing, and caught Miss Ophelia's attention. Instantly she pounced upon it. "What's this? you naughty, wicked child—you've been stealing this!"

Such tentre are very comment to to be governed?" said St. Clare. "I'm sure it's more than I c Miss Ophelia. "Or I either," said St. Clare; cruelties and outrages that once

sleeve, yet was she not in the least disconcerted; she only looked at it with an air of the most surprised and unconscious innocence "Laws, why, that ar's Miss Feely's ribbon

How could it a got caught in my

"Topey, you naughty girl, don't you tell me lie—you stole that ribbon."
"Missis, I declar for't I didn't—never seed it till dis yer blessed minnit.

"Topsy," said Miss Ophelia, "don't you know it's wicked to tell lies?" "Inever tells no lies, Miss Feely," said Topsy with virtuous gravity—"it's jist the truth I've been a tellin now—and aint nothin else." "Topsy, I shall have to whip you if you tell

"Law missis, if you's to whip all day, couldn't say no other way," said Topsy, beginning to blubber. "I never seed dat ar—it must a got caught in my sleeve—Miss Feely must have left it on the bed, and it got caught in the clothes,

"Don't you tell me that again!"

The shake brought the gloves on to the floor rom the other sleeve. tell me now you didn't steal the ribbon? Topsy now confessed to the gloves, but

ornised in denying the ribbon.
"Now, Topsy said Suss Ophelia," if you'll confess all about it, I won't whip you this time."
Thus adjured Topsy confessed to the ribbon and gloves, with woeful protestations of peni-"Well, now, tell me. I know you must hav

iouse, for I let you run about all day yesterday Now, tell me if you took anything, and I shan't whip you."
"Laws, missis, I took Miss Eva's red thing she wars on her neck.' "You did, you naughty child! Well, what

taken other things since you have been in th

"I took Rosa's yer rings-them red ones."

"Laws, missis, I can't—they's burnt up!"
"Burnt up! what a story! Go get 'em, I'll whip you."

Torsy, with loud protestations and tears and
Torsy, with loud protestations and tears and groans, declared that she could not.

"What did you burn 'em up for?" said Miss Ophelia. "Cause I's wicked—I is. I's mighty wicked nyhow. I can't help it."

Just at this moment, Eva came innocently

into the room, with the identical coral necklace on her neck. "Why, Eva, where did you get your neck-

"Yes; and what is funny, Aunty, I had it on all night. I forgot to take it off when I went

Miss Ophelia looked perfectly bewildered the more so as Rosa at that instant came into the room, with a basket of newly-ironed linen shaking in her ears!
"Pm sure I can't tell anything what to do

"I'm sure I can't tell anything what to do with such a child!" she said, in despair. "What in the world did you tell me you took those things for, Topsy!" "Why, missis said I must'fess, and I couldn't think of nothin else to 'fess," said Topsy, rubbing her eyes!
"But of course I didn't want you to confess

things you didn't do," said Miss Ophelia; "that's telling a lie just as much as the other."
"Laws, now, is it?" said Topsy, with an air of innocent wonder.

"La, there aint any such thing as truth in that limb," said Rosa, looking indignantly at Topsy. "If I was mass'r St. Clare, I'd whip her till the blood run. I would—I'd let her

catch it." command, which the child could assume at times; "you mustn't talk so, Rosa. I can't bear to hear it."

"La sakes, Miss Eva, you's so good you don't

know nothing how to get along with niggers. There's no way but to cut 'em well up, I

tell ye."

"Rosa!" said Eva, "hush; don't you sa
another word of that sort;" and the eye of th
child flashed, and her cheek deepened its color Rosa was cowed in a moment.

"Miss Eva has got the St. Clare blood in her, that's plain. She can speak for all the world just like her papa," she said, as she

passed out of the room.

Eva stood looking at Topsy.

There stood the two children, representative of the two extremes of society. The fair, high-bred child, with her golden head—her deep eyes—her spiritual, noble brow, and prince-like movements; and her black, keen, subtle, cringing, yet acute neighbor. They stood the repre-sentatives of their races. The Saxon, born of ages of cultivation, command, education, physi-cal and moral eminence; the Afric, born of

Something, perhaps, of such thoughts strug-gled through Eva's mind. But a child's thoughts are rather dim, undefined instincts; and in Eva's noble nature many such were yearning and working, for which she had no power of utterance. When Miss Ophelia expatiated on Topsy's naughty, wicked conduct, the child looked perplexed and sorrowful, but said,

sweetly—
"Poor Topsy, why need you steal? You're going to be taken good care of now. I'm sure I'd rather give you anything of mine than have you steal it."

It was the first word of kindness the child

had ever heard in her life; and the sweet tone and manner struck strangely on the wild, rude heart, and a sparkle of something like a tear heart, and a sparkle of something like a tear shone in the keen, round, glittering eye, but it was followed by the short laugh and habitual grin. No! the ear that had never heard anything but abuse is strangely incredulous of anything so heavenly as kindness; and Topsy only thought Eva's speech something funny and inexplicable—she did not believe it.

But what was to be done with Topsy? Miss Orbelia found the case a puzzler, her rules for

Ophelia found the case a puzzler; her rules for bringing up didn't seem to apply. She thought she would take time to think of it; and by way of gaining time, and in hopes of some indefinite moral virtues supposed to be inherent in dark closets, Miss Ophelia shut Topsy up in one till she had arranged her ideas further on the

Miss Ophelia; "I never heard of bringing them up without."

mp without."

"Oh, well, certainly," said St. Clare; "do as you think best. Only Pil make one suggestion; Pve seen this child whipped with a poker, knocked down with the shovel or tongs, whichever came handlest, &c.; and seeing that she is used to that style of operation, I think your whippings will have to be pretty energetic, to make much impression."

"Ua, Miss Feely whip!—wouldn't kill a skeeter, her whippins. Oughter see how old mass'r made the flesh fly; old mass'r know'd how!"

Topsy always made great capital of her own.

St. Clare; "I wish you'd answer it. What is to be done with a human being that can be governed only by the lash-that fails-it's a very common state of things down here!"
"I'm sure I don't know; I never saw such a

child as this."
"Such children are very common among us, and such men and women too. How are they

"I'm sure it's more than I can Miss Ophelia.
"Or I either," said St. Clare; "the horrid cruelties and outrages that once and a while find their way into the papers-such cases as Prue's, for example—what do they come from ? In many cases it is a gradual hardening process on both sides-the owner growing more and more cruel, as the servant more and callous. Whipping and abuse are like lauda-num; you have to double the dose as the sen-sibilities decline. I saw this very early when I became an owner, and I resolved never to begin, because I did not know when I should stop; and I resolved at least to protect my own moral nature. The consequence is, that my servants act like spoiled children; but I think that better than for us both to be brutalized together. You have talked a great deal about

specimen of thousands among us." "It is your system makes such children said Miss Ophelia. "I know it; but they are made-they exist-

our responsibilities in educating, cousin. I really wanted you to try with one child, who is a

and what is to be done with them?"
"Well, I can't say I thank you for the experiment. But, then, as it appears to be a duty. I shall persevere and try, and do the best I can," said Miss Ophelia; and Miss Ophelia, after this, did labor with a commendable degree of zeal and energy on her new subject. She instituted regular hours and employments for her, and undertook to teach her to read and

In the former act, the child was quick enough. She learned her letters as if by magic, and was very soon able to read plain reading sewing was a more difficult matter. The creature was as lithe as a cat, and as active as a monkey, and the confinement of sewing was her abomination; so she broke her needles, threw them slyly out of windows, or down in chinks of the walls; she tangled, broke, and dirtied her thread, or, with a sly movement, would throw a spool away altogether. Her motions were almost as quick as those of a practiced conjurer, and her command of her face quite as great; and though Miss Ophelia could not help feeling that so many accidents could not possibly happen in succession, yet she could not, without a watchfulness which would leave

not, without a watchfulness which would leave her no time for anything else, detect her.

Topsy was soon a noted character in the es-tablishment. Her talent for every species of drollery, grimace, and mimickry—for dancing, tumbling, climbing, singing, whistling, imita-ting every sound that hit her fancy—seemed in-exhaustible. In her play hours, she invariably had every child in the establishment at her heels, open-mouthed with admiration and won-der, not excepting Miss Eva, who appeared to der, not excepting Miss Eva, who appeared to be fascinated by her wild diablerie as a dove is sometimes charmed by a glittering serpent.

Miss Ophelia was uneasy that Eva should fancy Topsy's society so much, and implored St.

Clare to forbid it.

"Pob, let the child alone," said St. Clare "Topsy will do her good."
"But so deprayed a child—

sinks in."
"Don't be too sure," said Miss Ophelia. "I know I'd never let a child of mine play with

"but mine may; if Eva could have been spoil-ed, it would have been done years ago." Topsy was at first despised and contemned by the upper servants. They soon found rea-son to alter their opinion. It was very soon discovered that whoever cast an indignity on discovered that whoever cast an indignity on Topsy was sure to meet with some inconvenient accident shortly after — either a pair of earrings or some cherished trinket would be missing, or an article of dress would be suddenly found utterly ruined, or the person would stumble accidentally into a pail of hot water, or a libation of dirty slop would unaccountably deluge them from above when in full gala

deluge them from above when in full gala dress—and on all these occasions, when investigation was made, there was nobody found to stand sponsor for the indignity. Topsy was cited and had up before all the domestic judicatories time and again, but always sustained her examinations with most edifying innocence and gravity of appearance. Nobody in the world ever doubted who did the things, but not a scrap of any direct evidence could be found. t and gravity of appearance. Nobody in the
t world ever doubted who did the things, but not
a scrap of any direct evidence could be found
to establish the suppositions, and Miss Ophelia
was too just to feel at liberty to proceed to any
lengths without it.

The mischiefs done were always so nicely
timed, also, as farther to shelter the aggressor.
Thus the times for revenge on Rosa and Jane,
the two chambermaids, were always chosen in
those seasons when (as not unfrequently happened) they were in disgrace with their mistress—when any complaint from them would
of course meet with no sympathy. In short,
Topsy soon made the household understand the
propriety of letting her alone, and she was let
alone accordingly.

Topsy was smart and energetic in all manual
operations, learning everything that was taught
her with surprising quickness. With a tew
lessons she had learned to do the proprieties of
Miss Ophelia's chamber, in a way with which
even that particular lady could find no fault.
Mortal hands could not lay spread smoother,
adjust pillows more accurately, sweep and dust

adjust pillows more accurately, sweep and dust and arrange more perfectly than Topsy, when she chose—but she didn't very often choose. If Miss Ophelia, after three or four days of careful Miss Ophelia, after three or four days of careful and patient supervision, was so sanguine as to suppose that Topsy had at last fallen into her way, could do without overlooking, and so go off and basy herself about something else, Topsy would hold a perfect carnival of confusion for some one or two hours. Instead of making the bed, she would amuse herself with making the bed, she would amuse herself with pulling off the pillow cases, putting her woolly head among the pillows, till it would sometimes be grotesquely ornamented with feathers sticking out in various directions—she would climb the posts and hang head downward from the tops—flourish the sheets and spreads all over the apartment—dress the bolster up in Miss Ophelia's night clothes, and enact various seenic performances with that—singing and whistling, and making grimaces at herself in the looking glass—in short, as Miss Ophelia phrased it, "raising Cain" generally.

On one occasion, Miss Ophelia found Topsy with her very best scarlet India Canton crape shawl wound round her head for a turban,

shawl wound round her head for a turban

shawl wound round her head for a turban, going on with her rehearsals before the glass in great style—Miss Ophelia having, with earelessness most unheard-of in her, left the key for once in her drawer.

"Topsy!" she would say, when at the end of all patience, "what does make you act so?"

"Dunno, missis—I spects cause I's so wicked!"
"I don't know anything what I shall do with you Topsy."

"I don't know anything what I shall do with she had arranged her ideas further on the subject.

"I don't see," said Miss Ophelia to St. Clare, "how I'm going to manage that shild, without whipping her."

"Well, whip her, then, to your heart's content; I'll give you full power to do what you like."

"Children always have to be whipped," said Miss Ophelia; "I never heard of bringing them up without."

"Oh, well, certainly," said St. Clare; "do as you think best. Only I'll make one suggestion; I've seen this child whipped with a poker, knocked down with the shovel or tongs, which-